

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

Tony Fountain #152157 A 9:32

Plaintiff,

DEBRA HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

Case no: 2:06-CV-548-MHT

VS.

DR. Pezzant, et, al,
Defendants.

MOTION FOR GOOD CAUSE IN
RESPONSE TO THIS COURT ORDER
OF JULY 5th 2006

Comes now, Tony Fountain, by and through himself herein "Objects in PART" and submits (t)his motion in response to the Magistrate order of July 5th 2006. And plaintiff asserts the following supported by Exhibits A-C, along with affidavit as follows:

- 1). plaintiff contends that the Court should not dismiss his Complaint, pursuant to 28 U.S.C § 1915(e)(2)(A) nor place sanction upon him pursuant to 18 U.S.C. § 1623. Because at ~~no~~ time did he attempt to mislead this Court or any one else.

- 2). Plaintiff, Vehemently denys submitting an inmate account statement on June 27, 2006 and does not have the slightest idea what Doc. #5 contains in which the Magistrate Made mentioned of.
- 3). Plaintiff stress the facts that on June 15th 2006 that he inadvertently omitted the Cent's sum of "32" from his Affidavit of hardship. And hope and pray that Exhibit - C attached which is a Canteen Receipt given to him on June 14th 2006 one day before he signed his hardship Affidavit. Which shows that his account balance was \$24.71.32. The omitting the cent sum of "32" was NOT done intentionally nor deliberatedly to mislead this Court nor anyone else. See also (Affidavit) (attached).
- 4). Moreover, he Vehemently, denys ever having a total of \$12,590.93 in 2005 as a Daily average balance or at any other time through his incarceration. Plaintiff contends that Exhibit - A - C will help shed some truth the matter. And directs the Court attention to Exhibit - A a response from the Prison Business Office Manage to his Request for an Itemization of his P.M.D. account on June 27 & July 2 of 2006.

In which Ms. Baxley the business manager responded that "Daily Average Balance does not equal an actual Balance". See (Exhibit-A attached) The print-out I have and received does not show a Daily Average Balance of A 12,590.93, as stated in this Court order of July 5th 2006. Now it's possible the Magistrate Judge or her source (who submitted my inmate account statement) inadvertently placed a ~~One~~ (1) before the two (2), it's understandable we are all human and subjective to mistakes. Again I did not deliberately nor intentionally omitted the cent sum of ".32" from my affidavit of hardship it could have been cause due to my hastiness to comply with officials order to "hurry up lockdown count time" who happen to be the notary public,

Wherefore, plaintiff, prays that ~~(s)his~~ motion for good causes is granted as law and justice requires.

Done this 8th day of July 2006

